

**SETTLEMENT AGREEMENT**  
**BETWEEN**  
**MISSOURI REAL ESTATE COMMISSION**  
**AND**  
**PAMELA S. NELSON-ROBINSON**

Pamela S. Nelson-Robinson (Nelson-Robinson) and the Missouri Real Estate Commission (MREC) enter into this Settlement Agreement for the purpose of resolving the question of whether Nelson-Robinson's license as a real estate broker, no. 1999011224, will be subject to discipline. Pursuant to § 536.060, RSMo 2000,<sup>1</sup> the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the MREC under § 621.110, RSMo Supp. 2012. The MREC and Nelson-Robinson jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo Supp. 2012.

Nelson-Robinson acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing against her at the hearing; the right to present evidence on her behalf at the hearing; the right to a decision upon the record of the hearing by a fair and

---

<sup>1</sup> All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

impartial administrative hearing commissioner concerning the charges pending against her; the right to a ruling on questions of law by the Administrative Hearing Commission; the right to a disciplinary hearing before the MREC at which time Nelson-Robinson may present evidence in mitigation of discipline; the right to a claim for attorney fees and expenses; and the right to obtain judicial review of the decisions of the Administrative Hearing Commission and the MREC.

Being aware of these rights provided to her by law, Nelson-Robinson knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document as they pertain to her.

Nelson-Robinson acknowledges that she has received a copy of documents that were the basis upon which the MREC determined there was cause for discipline, along with citations to law and/or regulations the MREC believes were violated. Nelson-Robinson stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the MREC that Nelson-Robinson's license as a real estate broker, license no. 1999011224, is subject to disciplinary action by the MREC in accordance with the relevant provisions of Chapter 621, RSMo, and §§ 339.010 through 339.205 and 339.710 through 339.855, RSMo, as amended.

The parties stipulate and agree that the disciplinary order agreed to by the MREC and Nelson-Robinson in Part II herein is based only on the agreement set out in Part I

herein. Nelson-Robinson understands that the MREC may take further disciplinary action against her based on facts or conduct not specifically mentioned in this document that are either now known to the MREC or may be discovered.

**I.**  
**Joint Stipulation of Facts and Conclusions of Law**

Based upon the foregoing, the MREC and Nelson-Robinson herein jointly stipulate to the following:

1. Nelson-Robinson holds a Missouri real estate broker's license, No. 1999011224. Nelson-Robinson's license is, and was at all relevant times, current and active.
2. On February 5, 2010, Nelson-Robinson pled guilty in the Circuit Court of St. Charles County, Missouri ("the court"), Case No. 0911-CR00165-01 ("criminal case"), to the class C felony of passing bad checks, in violation of § 570.120, RSMo Supp. 2005.
3. The charges underlying the criminal case were as follows, in pertinent part:

INFORMATION

The Prosecuting Attorney of the County of St. Charles, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 570.120, RSMo, committed the class C felony of passing bad checks, punishable upon conviction under Sections 558.011 and 560.016, RSMo, in that on or about January 3, 2007, in the County of St. Charles, State of Missouri, the defendant, with the purpose to defraud passed a check numbered 1011 in the amount of \$3,614.85, drawn upon National City Bank,

payable to Varsity, knowing that it would not be paid.

4. Section 570.120 RSMo. Supp. 2005, regarding the criminal offense of passing bad checks, states in relevant part:

A person commits the crime of passing a bad check when:

(1) With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee[.]

5. On February 5, 2010, the court suspended the imposition of Nelson-Robinson's sentence and placed Nelson-Robinson on supervised probation for 5 years.

6. On June 14, 2010, Nelson-Robinson completed and signed an Application to Renew Broker License for the period of July 1, 2010 through June 30, 2012.

7. On the Renewal Application was the following question ("criminal history question"):

Have you been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this or any other state or of the United States whether or not sentence was imposed, including suspended imposition of sentence, suspended execution of sentence and misdemeanor charges that you have not previously disclosed to this Commission?

8. In answer to the criminal history question, Nelson-Robinson marked "no."

9. Nelson-Robinson did not provide the date, offense, court location or case number on the Renewal Application.

10. Nelson-Robinson had not previously disclosed to the MREC her guilty plea to passing bad checks.

11. The MREC issued a renewal license to Nelson-Robinson based on the information Nelson-Robinson provided in the Renewal Application, including her answer to the criminal history question.

12. Section 339.100.2, RSMo Supp. 2012, authorizes the MREC to file a complaint with the Administrative Hearing Commission and states, in part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

...

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

...

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

...

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860\*, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860\*;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

...

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

...

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision[.]

13. By falsely answering “no” to the criminal history question, Nelson-Robinson made a substantial misrepresentation, suppression, and concealment and omission of a material fact in the conduct of her business, providing cause to discipline

Nelson-Robinson's license pursuant to § 339.100.2(2), RSMo Supp. 2012.

14. By falsely answering "no" to the criminal history question, Nelson-Robinson obtained a license for herself by false and fraudulent representation, fraud, and deceit, providing cause to discipline Nelson-Robinson's license pursuant to § 339.100.2(10), RSMo Supp. 2012.

15. Section 339.040.1, RSMo Supp. 2012, relating to license requirements, provides:

1. Licenses shall be granted only to persons who present . . . satisfactory proof to the commission that they:

(1) Are persons of good moral character; and

(2) Bear a good reputation for honesty, integrity, and fair dealing; and

(3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

16. By pleading guilty to the class C felony of passing bad checks and engaging in the conduct underlying that crime and by falsely answering "no" to the criminal history question, Nelson-Robinson demonstrated that she lacks good moral character, which is a ground for the MREC to refuse to issue a license under § 339.040.1(1), RSMo, providing cause to discipline Nelson-Robinson's license pursuant to § 339.100.2(16), RSMo Supp. 2012.

17. By pleading guilty to the class C felony of stealing and engaging in the

conduct underlying that crime and by falsely answering “no” to the criminal history question, Nelson-Robinson demonstrated that she does not bear a good reputation for honesty, integrity, and fair dealing, which is a ground for the MREC to refuse to issue a license under § 339.040.1(2), RSMo, providing cause to discipline Nelson-Robinson’s license pursuant to § 339.100.2(16), RSMo Supp. 2012.

18. By pleading guilty to the class C felony of stealing and engaging in the conduct underlying that crime, and by falsely answering “no” to the criminal history question, Nelson-Robinson demonstrated that she is not competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public, which is a ground for the MREC to refuse to issue a license under § 339.040.1(3), RSMo, providing cause to discipline Nelson-Robinson’s license pursuant to § 339.100.2(16), RSMo Supp. 2012.

19. By pleading guilty to the class C felony of passing bad checks, Nelson-Robinson pled guilty to an offense reasonably related to the qualifications, functions or duties of a real estate broker, an essential element of which is fraud, dishonesty or an act of violence, and an offense involving moral turpitude, providing cause to discipline Nelson-Robinson’s license pursuant to § 339.100.2(18), RSMo Supp. 2012.

20. Based on Nelson-Robinson’s conduct as stipulated herein, Nelson-Robinson engaged in conduct that demonstrates bad faith and gross incompetence, providing cause to discipline Nelson-Robinson’s license pursuant to § 339.100.2(19), RSMo Supp. 2012.



21. Cause exists to discipline Nelson-Robinson's broker license pursuant to § 339.100.2(2), (10), (16), (18), and (19), RSMo Supp. 2012.

**II.**  
**Joint Agreed Disciplinary Order**

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the MREC in this matter under the authority of § 536.060, RSMo, and §§ 621.045.4 and 621.110, RSMo Supp. 2012.

22. **Nelson-Robinson's license is on probation.** Nelson-Robinson's license as a real estate broker is hereby placed on PROBATION for a period of TWO YEARS. The period of probation shall constitute the "disciplinary period." During the disciplinary period, Nelson-Robinson shall be entitled to practice as a real estate broker under §§ 339.010 through 339.205 and 339.710 through 339.855, RSMo, as amended, provided Nelson-Robinson adheres to all the terms of this agreement.

23. **Terms and conditions of the disciplinary period.** Terms and conditions of the probation are as follows:

A. Nelson-Robinson shall keep the MREC apprised at all times of her current address and telephone number at each place of residence and business.

Nelson-Robinson shall notify the MREC in writing within ten (10) days of any change in this information.

B. Nelson-Robinson shall timely renew her real estate license(s), timely pay all fees required for license renewal and shall comply with all other requirements

necessary to maintain her license(s) in a current and active status. During the disciplinary period, Nelson-Robinson shall not place her real estate license(s) on inactive status as would otherwise be allowed under 20 CSR 2250-4.040.

Alternatively, without violating the terms and conditions of this Settlement Agreement, Nelson-Robinson may surrender her real estate license(s) by submitting a letter to the MREC and complying with 20 CSR 2250-8.155. If Nelson-Robinson applies for a real estate license after surrender, Nelson-Robinson shall be required to requalify as if an original applicant and the MREC will not be precluded from basing its decision, wholly or partially, on the findings of fact, conclusions of law, and discipline set forth in this Settlement Agreement.

C. Nelson-Robinson shall meet in person with the MREC or its representative at any such time or place as required by the MREC or its designee upon notification from the MREC or its designee. Said meetings will be at the MREC's discretion and may occur periodically during the probation period.

D. Nelson-Robinson shall immediately submit documents showing compliance with the requirements of this settlement agreement to the MREC when requested by the MREC or its designee.

E. During the probationary period, Nelson-Robinson shall accept and comply with unannounced visits from the MREC's representative to monitor compliance with the terms and conditions of this settlement agreement.

F. Nelson-Robinson shall comply with all relevant provisions of Chapter 339, RSMo, as amended, all rules and regulations duly promulgated thereunder, all local, state, and federal laws. "State" as used herein includes the State of Missouri and all other states and territories of the United States.

24. Upon the expiration of the disciplinary period, the license of Nelson-Robinson shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the MREC determines that Nelson-Robinson has violated any term or condition of this Settlement Agreement, the MREC may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke or otherwise lawfully discipline Nelson-Robinson's license.

25. No additional discipline shall be imposed by the MREC pursuant to the preceding paragraph of this Settlement Agreement without notice and opportunity for hearing before the MREC as a contested case in accordance with the provisions of Chapter 536, RSMo.

26. This Settlement Agreement does not bind the MREC or restrict the remedies available to it concerning any future violations by Nelson-Robinson of §§ 339.010 through 339.205 and 339.710 through 339.855, RSMo, as amended, or the regulations promulgated thereunder, or of the terms and conditions of this Settlement Agreement.

27. This Settlement Agreement does not bind the MREC or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Settlement Agreement that are either now known to the MREC or may be discovered.

28. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the parties agree that the MREC may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Nelson-Robinson agrees and stipulates that the MREC has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

29. Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and/or its settlement.

30. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

31. The parties to this Settlement Agreement understand that the MREC will maintain this Settlement Agreement as an open record of the MREC as required by Chapters 324, 339, and 610, RSMo, as amended.

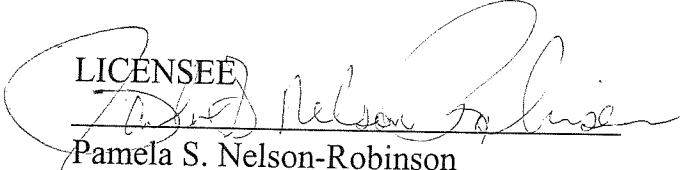
32. Nelson-Robinson, together with her partners, heirs, assigns, agents, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the MREC, its respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated, including, but not limited to, any claims pursuant to § 536.087, RSMo (as amended), or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case or its litigation or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of the Settlement Agreement in that it survives in perpetuity even in the event that any court or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

33. Nelson-Robinson understands that she may, either at the time the Settlement Agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Nelson-Robinson's license. If Nelson-Robinson desires the Administrative Hearing Commission to review this Settlement Agreement, Nelson-Robinson may submit her request to: Administrative Hearing

Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102.

34. If Nelson-Robinson requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Nelson-Robinson's license. If the Administrative Hearing Commission issues an order stating that the Settlement Agreement does not set forth cause for discipline, then the MREC may proceed to seek discipline against Nelson-Robinson as allowed by law. If Nelson-Robinson does not request review by the Administrative Hearing Commission, this Settlement Agreement goes into effect 15 days after the document is signed by the Executive Director of the MREC.


LICENSEE

  
Pamela S. Nelson-Robinson

Date: \_\_\_\_\_

6-10-13

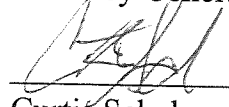
Missouri Real Estate Commission

  
Janet Carder, Executive Director

Date: \_\_\_\_\_

June 28, 2013

CHRIS KOSTER  
Attorney General

  
Curtis Schube  
Assistant Attorney General  
Missouri Bar No. 63227

Supreme Court Building  
207 West High Street  
P.O. Box 899  
Jefferson City, MO 65102  
Telephone: 573-751-7728  
Telefax: 573-751-5660  
Attorneys for the MREC